



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,356	12/18/2001	Yanping Qiu	3774	7328

23699 7590 09/11/2003
BULLWINKEL PARTNERS, LTD.
19 SOUTH LASALLE ST.
SUITE 1300
CHICAGO, IL 60603

EXAMINER

ARNOLD III, TROY G

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/11/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,356

Applicant(s)

QIU ET AL.

Examiner

Troy Arnold

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☐ Claim(s) 1, 2 and 4-7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 2 and 4-16, drawn to a reinforced corner post assembly, classified in class 206, subclass 586.
- II. Claim 3, drawn to a method of making a reinforced corner post assembly, classified in class 29, subclass unknown.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the assembly could be made by injection molding the corner post and inserting the tubes afterward.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr J Fassnacht, Attorney for the Applicant, on 28 August 2003 a provisional election was made without traverse to prosecute the invention of group I, claims 1, 2 and 4-16. Affirmation of this election must be made by

Art Unit: 3728

applicant in replying to this Office action. Claim 3 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in claims 7 and 8 – tubes affixed together, and with paper - must be shown or the feature(s) canceled from the claim(s). This also applies to the “bead” claimed in claim 12. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuhrman et al. Regarding claim 1, Fuhrman teaches a reinforced corner post assembly comprising a longitudinal corner post (exterior wall) which forms a hollow tube, and one or more reinforcing tubes (interior) disposed longitudinally in the interior which are collinear with the corner post. See Figs 4 or 5. The limitations of claims 4 and 13 are inherently met by Fuhrman. Regarding claim 7, see Fig 4.

Claims 1, 4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 11059733 to applicant Showa Prod KK, hereinafter "Showa." Regarding claim 1, Showa teaches a reinforced corner post assembly comprising a longitudinal corner post 2 which forms a hollow tube, and one or more reinforcing tubes 3 disposed longitudinally in the interior which are collinear with the corner post 2. The limitations of claim 4 are inherently met by Showa. Regarding claim 11, see Figs 3 or 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3728

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuhrman et al in view of Official Notice. Fuhrman teaches all the limitations of claim 9 except the reinforcing tubes being plastic. Official Notice is taken that the fabrication of reinforcing tubes using plastic is old, obvious and well known in a variety of arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to make the tubes of Fuhrman out of plastic in order to increase the durability of the tubes. Fuhrman teaches all the limitations of claim 10 except the reinforcing tubes being marked according their characteristics. Official Notice is taken that the marking of components, according to characteristics or not, is obvious and well known in a variety of arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to mark the tubes of Fuhrman for the purpose of making them more visible at night.

Claims 2, 5, 6, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Showa in view of Official Notice. Showa teaches all the limitations of claim 2 except the reinforcing tubes being made of spiral paperboard. Official Notice is taken that spiral paperboard is old, obvious and well known in the packaging arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to make the tubes 3 of Showa out of spiral paperboard for its ease of manufacture and recyclability. Showa teaches all the limitations of claim 5 except the reinforcing tubes being affixed to the corner post walls

Art Unit: 3728

by adhesive. Official Notice is taken that adhesive affixing is old obvious and well known in a variety of arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to adhere the tubes 3 of Showa to the corner posts with adhesive to make the structure stronger. This argument applies similarly to claim 6. Showa teaches all the limitations of claim 9 except the reinforcing tubes being made of plastic. Official Notice is taken that plastic is old, obvious and well known in the packaging arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to make the tubes 3 of Showa out of plastic for its durability. Showa teaches all the limitations of claim 10 except the reinforcing tubes being marked according their characteristics. Official Notice is taken that the marking of components, according to characteristics or not, is obvious and well known in a variety of arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to mark the tubes of Showa for the purpose of making them more visible at night. Showa teaches all the limitations of claim 12 except the corner bead. Official Notice is taken that beads are obvious and well known in a variety of arts. It would have been obvious in view of Official Notice taken to one of ordinary skill in the art at the time the invention was made to apply beads to the corner posts of Showa in order to reinforce them against crushing.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-16 are allowed.

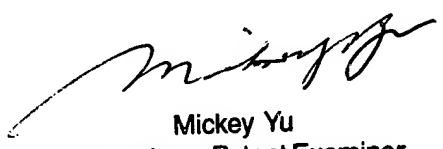
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Arnold whose telephone number is 703-305-0621. The examiner can normally be reached on Tuesday-Thursday, 9:30-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Troy Arnold
Examiner
Art Unit 3728

TGA



Mickey Yu
Supervisory Patent Examiner
Group 3700